IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.3641 OF 2005.

IN

CIVIL APPLICATION NO.4263 OF 2004.

WITH

CIVIL APPLICATION NO.4262 OF 2004.

IN

FIRST APPEAL STAMP NO.30634 OF 2004.

United India Insurance Co.Ltd. : Petitioner.

versus

Shri Gopal Ishwara Padekar

& ors. : Respondents.

Mr.P.M.Shah for the petitioner.

Mr.U.B.Rajure for the respondents.

CORAM : D.G.DESHPANDE,J.

DATED : 16th September 2005.

ORAL ORDER

1. So far as Civil Application No.3641 of 2005 is concerned, it is for restoration of Civil

Application No.4263 of 2004 which was dismissed for default on 5.8.2005. The counsel for the respondents has no serious objection. Hence this application is allowed. Civil Application No.4263 of 2004 is restored to file. Civil Application No.3641 of 2005 is disposed of.

2. So far as Civil Application No.4262 of 2004 is concerned, it is for condonation of delay four months. To this application for condonation of delay, the counsel for the respondents has no serious objection. Hence this Civil Application No.4262 of 2004 is allowed. Delay condoned. Civil Application No.4262 of 2004 is disposed of.

3. Counsel for the respondents states that he may be permitted to withdraw the amount deposited by the appellant before the tribunal. Counsel for the appellant has no objection. Therefore, the tribunal to permit Respondent No.1 to withdraw the amount against execution of bond to the satisfaction of the tribunal. Appeal is admitted.

[D.G.DESHPANDE,J]